

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

United States of America,)	
)	
Plaintiff,)	ORDER DENYING MOTION
)	TO RECONSIDER ORDER OF
vs.)	DETENTION
)	
Todd Allen Bergeron,)	Case No.: 1:19-cr-10
)	
Defendant.)	

Before the Court is Defendant’s Motion to Reconsider Order of Detention. (Doc. No. 197). Defendant is currently in custody pending sentencing. He was previously released on conditions of supervision on June 3, 2019, which were amended on September 3, 2019. (Doc. Nos. 61, 88). On April 8, 2020, a petition was filed alleging that Defendant violated his conditions of release by testing positive for methamphetamine and submitting a dilute specimen. (Doc. No. 172). After a hearing, he was ordered detained. (Doc. No. 179).

Defendant now submits that his parents have returned to Rugby, North Dakota, providing a housing option which was previously unavailable. He asks to be released to their residence and expresses his agreement to home confinement and electronic monitoring. The United States opposes his motion, citing the opposition of Pretrial Services and Defendant’s previous failure to abide by conditions. (Doc. No. 198).

Having carefully considered the arguments of the parties and the evidence, the Court is not persuaded that Defendant’s proposed plan will mitigate the risks of flight or community danger. Given Defendant’s relatively recent methamphetamine use, home confinement even with electronic monitoring is insufficient to ensure his compliance with conditions, especially when his proposed plan returns him to the community where his previous violations occurred.

As such, this motion (Doc. No. 197) is **DENIED**. The Court observes, however, that an alternative such as a residential reentry center or residential treatment facility may be a suitable option for this defendant. As such, the Court **ORDERS** that he be placed on the waiting list for a halfway house placement.

IT IS SO ORDERED.

Dated this 5th day of June, 2020.

/s/ Clare R. Hochhalter
Clare R. Hochhalter
United States Magistrate Judge